

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

DAVID KARCHER,

PLAINTIFF

Versus

Civil Action No. 1:17-cv-266-HSO-JCG

**RICHARD V. SPENCER, SECRETARY
OF THE NAVY, DEPARTMENT OF
THE NAVY**

DEFENDANT

**RESPONSE TO ORDER TO SHOW CAUSE AND
MOTION FOR ADDITIONAL TIME FOR SERVICE**

COMES NOW the Plaintiff, DAVID KARCHER, by and through his undersigned counsel, Brewer Law Office, PLLC, and hereby responds to the Court's Order to Show Cause, and files this, his Response, together with his Motion for Additional Time for Service, and in support thereof would show the following:

1. This case involves a matter in which the Plaintiff, DAVID KARCHER (hereinafter referred to as the "PLAINTIFF"), began by timely filing his formal complaint against the US NAVY on or about November 19, 2014, more than three years ago.
2. There was a lengthy investigation of this matter which primarily concerns employment discrimination and retaliation. After a lengthy "administrative" process, the PLAINTIFF finally received a Final Agency Decision on June 27, 2017, and thus, the right to sue in federal court.
3. Thereafter, the PLAINTIFF timely filed his Complaint in the instant matter.
4. The Order to Show Cause states that no Summons was issued for the Department of the Navy, however, the PLAINTIFF understood that only suit was required against "Richard V. Spencer, Secretary of the Navy, Department of the Navy" as that is the "formal" name for service on the one defendant, the

Department of the Navy. Thus, one Summons was issued against Secretary Spencer as the representative of the Department of the Navy and the proper person to receive Service.

5. On or about September 27, 2017, PLAINTIFF's Counsel sent a package, including the Complaint and Summons to Roca Services in Washington, DC, to perfect service.

6. Thereafter, PLAINTIFF's counsel experienced significant setbacks personally, namely, her husband's diagnosis with cancer, a surgery, and two trips thereafter to MD Anderson in Houston, TX.

7. PLAINTIFF's counsel is unsure why service was not perfected, and more importantly, why the deadline to file the return/proof of service was not properly calendared.

8. Since the Order to Show Cause, PLAINTIFF has retained a new process server to obtain service, Same Day Process in Washington, DC, and respectfully requests a sixty (60) day extension of time to serve the Defendant, and, if necessary, to clarify the Defendant(s) and have a new Summons issued.

9. The Defendant would suffer no prejudice by permitting the additional time for service in this matter. Quite frankly, the Defendant is well-aware of this case, as it is discussed in an unrelated matter, and the Defendant has counsel that handled the underlying "administrative" matter for more than three (3) years. In contrast, the PLAINTIFF would suffer great prejudice if he were not permitted additional time.

WHEREFORE, the PLAINTIFF, and his counsel, respectfully respond to the Order to Show Cause, and respectfully request an additional sixty (60) days to serve the Defendant, and, if necessary, to clarify the Defendant(s) and have a new Summons issued.

Respectfully submitted, this the 25th day of January, 2018.

BY: DAVID KARCHER, PLAINTIFF

BY: /s/ Danielle Brewer Jones
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